

ENTERED

July 19, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALEX ADAMS,

Plaintiff,

VS.

UNITED STATES POSTAL SERVICE, *et*
al.,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00076

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Plaintiff Alex Adams, appearing pro se, filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff sought to proceed *in forma pauperis* in this case, which requires that he send the Court a certified copy of his inmate trust fund account history containing the deposits and monthly balances for the six-month period preceding the filing of this lawsuit. 28 U.S.C. § 1915. On March 22, 2023, United State Magistrate Judge Mitchel Neurock ordered Plaintiff to comply with these requirements and warned him that a failure to do so by April 24, 2023, would result in this action being dismissed for want of prosecution. D.E. 6 (citing Fed. R. Civ. P. 41(b)). Plaintiff failed to comply with this order, and on May 4, 2023, Judge Neurock issued a Memorandum and Recommendation (M&R, D.E. 30), recommending that the Court dismiss all of Plaintiff's claims.

Plaintiff timely filed his objections (D.E. 35, 46), asserting that he has tried to comply with Judge Neurock's order. Plaintiff states that he has tried to file the proper form to obtain a certified copy of his inmate trust account, but the mail room at the library is uncooperative. Plaintiff filed grievances related to this issue, and the TDCJ responded that Plaintiff's requests for the requisite documents were processed in November of 2022. D.E. 15, p. 9. In response to Plaintiff's other grievances filed on this issue, the TDCJ responded by explaining the correct process for Plaintiff to request these forms. *Id.* at 11.


Judge Neurock and the TDCJ have both given Plaintiff explicit instructions on how to obtain the requisite documentation to proceed IFP, but Plaintiff has failed to comply. Plaintiff has not submitted the required documentation to support his IFP request, nor has he sufficiently explained his reasons for not doing so.¹ Plaintiff's objection is therefore **OVERRULED**.

In his objections, Plaintiff has also included complaints regarding the mail system and his treatment as a prisoner, and a request for relief from his conviction. These statements do not address his noncompliance with Judge Neurock's order and the requirements to proceed IFP. These statements are therefore irrelevant and disregarded as moot. *See Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir. 2003) (to be considered, the objection must point out with particularity the error in the magistrate judge's analysis).

¹ Plaintiff raised concerns over Judge Neurock's deadline of April 24, 2023, but the Court has been lenient in allowing Plaintiff extra time to rectify this issue.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, this action is **DISMISSED** in its entirety and Plaintiff's pending motions are all **DENIED** as moot.

ORDERED on July 19, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE